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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,530	02/02/2001	Kouichi Ando	016907/1199	6289
7590	03/31/2004		EXAMINER	
Johnny A. Kumar FOLEY & LARDNER 3000 K Street, N.W., Suite 500 P.O. Box 25696 Washington, DC 20007-8696			GIBBS, HEATHER D	
			ART UNIT	PAPER NUMBER
			2622	
			DATE MAILED: 03/31/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/773,530	Applicant(s) ROY ET AL.
	Examiner Heather D Gibbs	Art Unit 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

## **Disposition of Claims**

4)  Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-24 is/are rejected.

7)  Claim(s) 3,10 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

DETAILED ACTION

*Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5,7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bock (US 4,982,236) in view of Brugge et al (US 3,983,810).

Regarding claim 1, which is representative of claim 7, Bock teaches a scanner unit comprising: a carriage provided with a frame extending in a first direction along a document surface of a document set substantially horizontal, and an optical member mounted on the frame for illuminating the document surface and guiding light reflected from the document surface to light receiving means; a rail extending along the document surface in a second direction perpendicular to the first direction, and mounting thereon the frame such that the frame can slide in the second direction (Col 2 Lines 51-68; Col 3 Lines 51-68; Col 4 Lines 1-16; Fig 2).

Bock does not teach of a first inhibiting element for receiving a part of the frame when the carriage has slid along the rail to hold position, thereby inhibiting a movement of

the frame in the first direction; and a second inhibiting element for holding another part of the frame together with the rail when the carriage has slid to the hold position, thereby inhibiting a vertically upward movement of the frame.

Brugge teaches first inhibiting element 50 for receiving a part of the frame when the carriage has slid along the rail to hold position, thereby inhibiting a movement of the frame in the first direction; and a second inhibiting element 38 for holding another part of the frame together with the rail when the carriage has slid to the hold position, thereby inhibiting a vertically upward movement of the frame (Col 3 Lines 43-49, 63-68; Col 4 Lines 1-7).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Bock's scanner with the inhibiting means of Brugge. Bock's scanner would easily be modified to include the inhibiting means of Brugge as the inhibiting means can be utilized in any recording/reading means since both systems share cumulative features making them additive in nature.

Considering claim 2, which is representative of claim 8, Brugge teaches wherein the second inhibiting element 38 includes plurality of inhibiting elements arranged in the second direction (Fig 4).

When the inhibiting members are formed in conjunction with Bock, the inhibiting members will be located along the frame in the second direction.

Regarding claim 3, which is representative of claim 9, Brugge teaches wherein the second inhibiting elements are provided along those opposite side of the frame, which extend in the first direction (Fig 4).

Regarding claim 4, which is representative of claim 10, Brugge teaches wherein the first inhibiting element 50 is provided in one of the second inhibiting elements, which is located at a most upstream side in the direction in which the carriage slides toward the hold position (Col 3 Lines 63-66).

Considering claim 5, which is representative of claim 11, Brugge teaches wherein the first and second inhibiting elements are located in positions in which the first and second inhibiting elements do not interrupt the frame when the frame is situated in a position other than the hold position (Col 3 Lines 63-66;Fig 4).

4. Claims 6,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bock (US 4,982,236) and Brugge et al (US 3,983,810) and further in view of Alcantara Perez et al (US 4,835,872).

Bock and Brugge teach of the scanner as discussed above but fail to particularly point out wherein the first inhibiting element has a spring structure for preventing the part of the frame from moving in the first direction, and the second inhibiting element has a spring structure for pressing said another part of the frame against the rail to hold the frame.

Alcantara Perez teaches of a spring being used as an inhibiting element in a first direction and another spring being used for pressing a part onto the frame (Col 7 Lines 27-39).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Alcantara Perez's spring inhibiting element in the scanner of Bock and Brugge. Bock and Brugge's scanner would easily be modified to include Alcantara

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Perez's spring as Alcantara teaches of his design being used in computer related equipment.

5. Claims 13-24 are rejected as being representative of claims 1-12. All discussions and motivation for combinations remain the same.

*Claim Objections*

6. Claims 3, 10 are objected to because of the following informalities: delete "that" in first line of each claim. Appropriate correction is required.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Heather D Gibbs  
Examiner  
Art Unit 2622

hdg

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600